

Remarks

Claims 1-7 are pending in the present application. The indication that claims 3 and 4 are directed towards allowable subject matter is greatly appreciated.

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Harding *et al.* (US 2002/0150202 A1).

Claims 2 and 5-7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Harding *et al.* in view of Grass *et al.* (US 2001/0038678 A1).

The Specification stands objected to because it refers to the claims.

The Specification also stands objected to because it does not include section headings.

The Specification Objections

As noted above, the Specification has been amended to remove direct references to the claims. In light of these amendments, Applicants respectfully request reconsideration and withdrawal of the relevant objection.

Applicants respectfully traverse the objection of the specification related to the lack of subject headings. Applicants submit that subject headings are merely suggestive in nature and are not required under 37 CFR 1.77(b). In light of this, Applicants have not amended the specification to include subject headings. Reconsideration and withdrawal of the relevant objection to the specification are respectfully requested.

The § 102 Rejection

Claim 1 stands rejected as being anticipated by Harding *et al.*

Claim 1 is directed to a computed tomography method comprising the steps of: a) generating, using a radiation source and a diaphragm arrangement which is arranged between the examination zone and the radiation source, a fan beam which traverses an examination zone or an object present therein, b) generating relative motions, comprising a rotation about an axis of rotation, between the radiation source on the one side and the examination zone or the object on the other side, c) acquiring measuring values which are dependent on the intensity of the radiation by means of a detector unit which detects, during the relative motions, the primary radiation from the fan beam and radiation which

is coherently scattered in the examination zone or on the object, d) reconstructing a CT image of the examination zone from the measuring values, during which reconstruction a back projection is carried out in a volume which is defined by two linearly independent vectors of the rotational plane and a wave vector transfer.

In rejecting claim 1, the Office Action states that Harding *et al.* discloses a computed tomography method comprising: a) a radiation source and a diaphragm arrangement which is arranged between the examination zone and the radiation source, a fan beam which traverses an examination zone or na object present therein; b) rotation about an axis of rotation, between the radiation source on one side of the examination zone; c) measuring radiation intensity values by means of a detector; and d) reconstructing a CT image of the examination zone in a volume.

Applicants respectfully submit that the Office Action has not set forth how claim 1 is anticipated by Harding *et al.* "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See also, MPEP § 2131. In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified. See, 37 CFR 1.104 (c). See also, MPEP § 706. Furthermore, With respect to claim 1, the office action has not addressed or identified all of the limitations of claim 1 as required by MPEP § 2131. Because each claim element is not address, the Office Action has not, by default, clearly explained the pertinence of the Harding *et al.* reference as required by 37 CFR § 1.104(c). In light of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 1.

The § 103 Rejection

Claims 2-7 depend from claim 1. For at least the reasons set forth above in connection with the patentability of claim 1, Applicants respectfully request reconsideration and withdrawal of the rejections of claim 2-7.

Claim 7 has been amended to place it in independent form as well as to place it in proper form under United States patent practice.

Conclusion

Applicants submit that claims 1-7 distinguish patentably and non-obviously over the prior art of record and are in condition for allowance. An early indication of allowability is earnestly solicited.

If any extension of time is required relative to this Response, Applicants hereby petition for such extension. Authorization to charge deposit account 14-1270 for the fees associated therewith or otherwise necessary in connection with the related application is hereby provided.

Respectfully submitted,



Thomas M. Lundin
Reg. No. 48,979
Philip Morris Intellectual Property and Standards
595 Miner Road
Cleveland, Ohio 44143
T: 440-483-4281
F: 440-483-2452

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